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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,031	10/03/2003	Satoshi Komiya	90738	1669
24628	7590	02/23/2007		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER SONG, MATTHEW J	
			ART UNIT 1722	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/23/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/679,031

Applicant(s)

KOMIYA ET AL.

Examiner

Matthew J. Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/16/2007 has been entered.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 44 recites "a concentration range where an upper limit defined by a line connecting a point at which the nitrogen concentration is  $3 \times 10^{15}$  atoms/cm<sup>3</sup> when the oxygen concentration is  $7 \times 10^{17}$  atoms/cm<sup>3</sup> and a point at which the nitrogen concentration is  $3 \times 10^{14}$  atoms/cm<sup>3</sup> when the oxygen concentration is  $1.6 \times 10^{18}$  atoms/cm<sup>3</sup>" in lines 5-8. It is unclear what the lower limit of the range is because applicant has merely claimed the upper limit as a line between two points of nitrogen and oxygen concentration. For example, it is unclear if a nitrogen concentration of 0 atoms/cm<sup>3</sup> when the oxygen concentration is 0 atoms/cm<sup>3</sup> or a nitrogen

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concentration of  $3 \times 10^{15}$  atoms/cm<sup>3</sup> when the oxygen concentration is 0 atoms/cm<sup>3</sup> would meet the range because is below the upper limit.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graef et al (US 5,935,320) in view of Ziem et al (US 4,591,409) and Tamatsuka et al (US 6,162,708).

Graef et al teaches a method of making a silicon wafer comprising pulling a silicon ingot which is doped with nitrogen having a concentration of at least  $1 \times 10^{14}$  atoms/cm<sup>3</sup> and oxygen having a concentration of at least  $4 \times 10^{17}$  atoms/cm<sup>3</sup> (col 3, ln 10-50). Graef et al also teaches a particular embodiment where a wafer is produced from a Czochralski process wherein the single

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crystal has a nitrogen concentration of  $3 \times 10^{14}$  atoms/cm<sup>3</sup> and an oxygen concentration of  $9 \times 10^{17}$  atoms/cm<sup>3</sup> (col 5, ln 45-60), this meets applicant's claimed range because it falls below applicant's claimed upper limit. Graef et al also teaches slicing the single crystal to form wafers (col 4, ln 1-15).

Graef et al teaches pulling a single crystal with a a nitrogen concentration of  $3 \times 10^{14}$  atoms/cm<sup>3</sup> and an oxygen concentration of  $9 \times 10^{17}$  atoms/cm<sup>3</sup>, however Graef et al does not teach controlling an oxygen concentration in accordance with a change in a nitrogen concentration based on a characteristic that nitrogen concentration increases from a shoulder to a tail portion of a silicon ingot and the nitrogen concentration at the tail portion is less than  $3 \times 10^{15}$  a nitrogen concentration of  $3 \times 10^{14}$  atoms/cm<sup>3</sup> and an oxygen concentration of  $9 \times 10^{17}$  atoms/cm<sup>3</sup>.

In a method of controlling nitrogen and oxygen in silicon during crystal growth, note entire reference, Ziem et al teaches producing a single crystal silicon from a silicon melt wherein dopants such as oxygen and nitrogen are uniformly distributed in the crystal along the crystal axis (col 1, ln 60-68). Ziem et al also teaches the concentration of the dopant in the crystal during the single crystal growth process is a direct function of the dopant concentration in the melt and the segregation coefficient of that impurity (col 1, ln 10-60). Ziem et al also teaches the segregation coefficient of oxygen causes the oxygen concentration to be high at the top of the crystal and low at the bottom, and the reverse being true for nitrogen, which clearly suggests that the nitrogen concentration naturally increases from the shoulder (top of the crystal) to a tail portion (at the bottom of the crystal). Ziem et al teaches controlling oxygen and nitrogen by controlling a nitrous oxide partial pressure above the melt (col 5, ln 1-15).

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It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Graef et al by using Ziem et al's method of controlling nitrogen and oxygen concentration in a silicon crystal to be uniform along the axis of the crystal during growth to form a crystal with uniform characteristics from the shoulder to the tail portion of the crystal ('409 col 1, ln 60-68), such that the entire crystal has the desired nitrogen concentration of  $3 \times 10^{14}$  atoms/cm<sup>3</sup> and oxygen concentration of  $9 \times 10^{17}$  atoms/cm<sup>3</sup> ('320 col 5, ln 45-60).

The combination of Graef et al and Ziem et al does not teach subjecting the obtained silicon wafer to an epitaxial growth processing.

In a method of producing an epitaxial silicon single crystal wafer, note entire reference, Tamatsuka et al teaches forming an epitaxial layer in the surface layer portion of silicon single crystal wafer-silicon from a silicon ingot formed from a Czochralski method (Abstract). Tamatsuka et al also teaches epitaxial silicon wafers have been used as wafers for producing discrete semiconductor and bipolar IC (col 1, ln 10-30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Graef et al and Ziem et al by subjecting the silicon wafer to epitaxial process to produce an epitaxial wafer which is useful for producing semiconductor devices, as taught by Tamatsuka et al.

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 44 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Song whose telephone number is 571-272-1468. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J Song  
Examiner  
Art Unit 1722

  
YOGENDRA GUPTA  
SUPERVISORY PATENT EXAMINER  
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MJS  
February 19, 2007